

August 21, 2019

VIA EMAIL TO 77218-44193733@requests.muckrock.com

Jason Nix

RE: Request for Public Information from Samuel Siyangue Received August 7, 2019 (Our File Reference #1102756)

Mr. Siyangue:

Please be advised that the above-referenced firm represents the City of Allen, Texas ("City"). This letter is intended to further address your electronic request received by the City on August 7, 2019 requesting electronic copies of eight (8) categories of information. A copy of your request is attached.

Clarification request on #7 and #8 of request:

In order to provide you with the correct information you are requesting in your current request, and to limit the time and cost of labor to provide this information to you, pursuant to §552.222 of the Texas Government Code, the City requests that you clarify #8 of your request.

1. Please clarify/provide a definition for what you mean by "serious injuries" in # 8 of your request, as the term "serious" is subjective.
2. Please narrow the term "all records" used in #7 and #8 of your request by identifying the specific types of records you are seeking.

In order to comply with your request in a timely manner, I ask that you submit a specific response to each of the City's requests to clarify #8 of your request to me in writing, via fax, email, or regular mail. My contact information is at the top of this correspondence.

Please be advised that pursuant to Texas Government Code §552.222(d), your request for information are considered withdrawn if you do not respond to this request for clarification and narrowing of scope in writing within sixty-one (61) days from the date of this letter. You should also be advised that in accordance with the Texas Supreme Court's holding in *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010), the City's obligation under the Texas Public Information Act to request an opinion from the Texas Attorney General regarding those matters for which clarification and/or a narrowing of the scope of your request is sought will not commence until

you have provided your written clarification. Note also that depending on your answer, the City reserves the right to request additional clarifications and narrowing of the scope of your request. Therefore, you can help the City find and prepare the information more quickly if you will provide detailed and clear answers to this request.

Cost Estimate for Items 1-6 of Request

The purpose of this letter is to provide you with a written estimate of charges for producing the information responsive to your request. We have determined that the cost of providing the information will exceed \$40. Some of the information you've requested in relation to Items 1, 3, and 4 of your request, including records held between 2013 and 2016 are being held in a remote storage facility, and will take additional labor time to locate, compile, and copy for production. (Each use of force incident, complaint, shooting, and the corresponding documents have to be first identified and then individually pulled, as there are no logs for this time period.) In addition, research will be required to identify and locate Division level complaints and logs (known as PIFs), as these are not maintained in a centralized location at the Police Department. Due to the volume of your request and based on tests performed by City Police staff to determine an accurate cost estimate, the City anticipates that it will take a large number of hours to locate, compile, and copy the responsive information to you.

As directed by the Cost Rules Administrator in the Office of the Attorney General, the following is a charge for the production of the releasable information:

Labor to Locate, Compile and Copy Information Responsive to Item 1= 21 hours @ \$15/hour	\$315.00
Labor to Locate, Compile and Copy Information Responsive to Item 2= 3.5 hours @\$15/hour	\$52.50
Labor to Locate, Compile and Copy Information Responsive to Item 3 and 4= 9 hours @\$15/hour	\$135.00
Labor to Locate, Compile and Copy Information Responsive to Item 5= .25 hours @ \$15/hour	\$3.75
Labor to Locate, Compile and Copy Information Responsive to Item 6= .25 hours @ \$15/hour	\$3.75
Overhead for Labor @ 20% of \$510.00	\$102.00
TOTAL COST	\$612.00

There are less costly methods for you to review/receive the records. For example, you could limit the number of years of information you are seeking to include records from 2017-2019, which are stored in house and faster to locate.

Pursuant to Section 552.2615 of the Texas Government Code, your request will be considered withdrawn if you do not respond to this cost estimate in writing within ten (10) business days from the date this estimate is mailed. You must respond in writing and notify us that:

- (1) You will accept the estimated charges as outlined and the specific option of charges you are accepting;**
- (2) You will modify your request in response to the estimate (the City requests you specify your modifications); or**
- (3) You have sent, or are sending, the Attorney General a complaint alleging that you have been overcharged for being provided with copies of the requested information.**

You must respond to this letter in writing, either via United States Postal Service; personal hand delivery; facsimile; or electronic mail (e-mail). A mailed response should be addressed to “Julie Doshier; Nichols, Jackson, Dillard, Hager & Smith LLP; 500 N Akard St, Suite 1800; Dallas, Texas 75201. A faxed response should be addressed to “Julie Doshier” at (214) 965-0010. If you prefer to respond via electronic mail, please direct all correspondence to myself at jdoshier@njdhs.com.


The City has more than 15 full-time employees and the estimated charges for fulfilling your current request exceed \$100.00; therefore, as permitted by section 552.263(a) of the Government Code, **the City requires a deposit of the total estimated amount before starting work on your request.** The deposit must be made by cash or money order addressed to the “City of Allen” with a reference to “Samuel Syangue- 8-7-19 request” in the memo line. Payment can be made by mail or in person during normal business hours at the City’s Police Department located at 4401 Allen Rd, Allen, TX 75088.

Please note that pursuant to Section 552.263(e) of the Government Code, your request in will be considered received on the date the City receives payment of the required deposit. If you choose to modify your request in response to the requirement for the deposit, your modified request will be considered a separate request. Please also note that pursuant to Section 552.263(f) of the Government Code, your request will be considered withdrawn if payment of the deposit is not received within 10 business days of your receipt of this letter.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.

By: 
Julie P. Doshier

cc: City of Allen